

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRANSCONTINENTAL GAS PIPE LINE
COMPANY, LLC
2800 POST OAK BOULEVARD
HOUSTON, TEXAS 77251-1396,

Plaintiff,

v.

PERMANENT EASEMENTS FOR
2.14 ACRES AND TEMPORARY
EASEMENTS FOR 3.59 ACRES IN
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PENNSYLVANIA, TAX
PARCEL NUMBER 1201606900000,
415 HILLTOP DRIVE, CONESTOGA,
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PA, HILLTOP HOLLOW
LIMITED PARTNERSHIP, ET AL.,

Defendants.

CIVIL ACTION – LAW

Docket No. 5:17-CV-00715

ORDER

AND NOW, this 23rd day of August, 2017, upon consideration of Plaintiff's Motion for Partial Summary Judgment and the accompanying documents, Defendants' opposition thereto, and after oral argument being held, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** that Transcontinental Gas Pipe Line Company, LLC has the substantive right to condemn:

- i. Permanent rights of way and easements of 2.14 acres, as described as "Area of Proposed CPLS R/W #1," "Area of Proposed CPLS R/W #2," and "Area of Proposed CPLS R/W #3" in Exhibit A to the Verified Complaint, for the purpose of constructing, operating, maintaining, altering, repairing, changing but not increasing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment, and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the

Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017), together with the right to construct, maintain, operate, repair, alter, replace and remove cathodic protection equipment and the necessary appurtenances thereto, such as but not limited to poles, guy wires, anchors, rectifiers, power lines, cables, deep well anode and anode ground beds under, upon, and over the permanent right of way and easement, and conducting all other activities as approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Further, the landowner shall not build any permanent structures on said permanent right of way or any part thereof, will not change the grade of said permanent right of way, or any part thereof, will not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Transco's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Transco's lawful exercise of any of the rights herein granted without first having obtained Transco's approval in writing; and the landowner will not permit others to do any of said acts without first having obtained Transco's approval in writing. Transco shall have the right from time to time at no additional cost to landowners to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto; and

- ii. Temporary easements of 3.59 acres, as described as "Area of Proposed Temporary Work Space #1," "Area of Proposed Temporary Work Space #2," "Area of Proposed Temporary Work Space #3," "Area of Proposed Temporary Work Space #4," "Area of Proposed Temporary Work Space #5," and "Area of Proposed Temporary Work Space #6" in Exhibit A to the Verified Complaint, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all other activities approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017).

BY THE COURT

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.